



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE  
(213) 974-1861  
FACSIMILE  
(213) 229-9924  
TDD  
(213) 633-0901

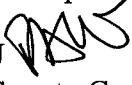
JOHN F. KRATTLI  
Acting County Counsel

March 6, 2012

**REVISED**

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Robert Vasquez, et al. v. County of Los Angeles**  
**Los Angeles Superior Court Case No. VC 056 933**

Attached is the revised Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

This Item has been continued to the Board's Agenda of March 13, 2012, to allow for the replacement of the revised recommendation and Case Summary, along with the Summary Corrective Action Plan.

PAW:cs

Attachments

## **REVISED**

### Board Agenda

#### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Robert Vasquez, et al. v. County of Los Angeles, Los Angeles Superior Court Case No. VC 056 933, in the amount of \$2,300,000 plus assumption of the Medi-Cal lien in the estimated amount of \$377,000 and waiver of the County hospital bill in the estimated amount of \$634,026 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical negligence lawsuit arises from injuries sustained by a patient while hospitalized at Rancho Los Amigos National Rehabilitation Center.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                            |  |
|----------------------------|--|
| CASE NAME                  | Robert Vasquez, et al. v. County of Los Angeles  |
| CASE NUMBER                | VC 056933  |
| COURT                      | Los Angeles Superior Court<br>South East District  |
| DATE FILED                 | August 9, 2010   |
| COUNTY DEPARTMENT          | Department of Health Services  |
| PROPOSED SETTLEMENT AMOUNT | \$2,300,000, plus the assumption of the Medi-Cal lien in the estimated amount of \$377,000 and waiver of the hospital bill in the estimated amount of \$634,026.   |
| ATTORNEY FOR PLAINTIFF     | Michael F. Moran, Esq.<br>Law Offices of Michael Moran<br><br>Steven Ibarra, Esq.<br>Law Offices of Steven Ibarra  |
| COUNTY COUNSEL ATTORNEY    | Narbeh Bagdasarian<br>Senior Deputy County Counsel   |
| NATURE OF CASE             | Robert Vasquez was admitted to Rancho Los Amigos National Rehabilitation Center ("Rancho") for rehabilitation. The patient was then allowed to leave the facility to spend the holidays with his family.<br><br>Prior to the temporary discharge from Rancho, Mr. Vasquez fell while at the restroom. Rancho staff evaluated the patient, and since the patient did not show any |

signs or symptoms of brain trauma or neurological problem, the staff proceeded with the discharge. While at home, the patient suffered bleeding in his brain.

Mr. Vasquez brought a lawsuit against the County of Los Angeles alleging that the Rancho staff failed to conduct a thorough examination of the patient prior to his discharge. The plaintiff further alleges that if a thorough neurological examination or an imaging study had been performed, the Rancho staff would have detected the early signs of the bleeding in the patient's brain.

PAID ATTORNEY FEES, TO DATE

\$78,572

PAID COSTS, TO DATE

\$36,969.29

Case Name: Vasquez, Robert



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

|  |   |
|--|---|
| Date of incident/event:                              | November 27, 2009   |
| Briefly provide a description of the incident/event: | <p>Robert Vasquez was admitted to Rancho Los Amigos National Rehabilitation Center ("Rancho") for rehabilitation. The patient was then allowed to leave the facility to spend the holidays with his family.</p> <p>Prior to the temporary discharge, Mr. Vasquez fell while at the bathroom. Rancho staff evaluated the patient, and since the patient did not show any signs or symptoms of brain trauma or neurological problem, the staff proceeded with the discharge. While at home, the patient suffered bleeding in his brain.</p> |

1. Briefly describe the root cause(s) of the claim/lawsuit:

Bleeding in the brain after a fall resulting in permanent impairment.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- All appropriate personnel corrective actions have been taken
- A system wide and outside-DHS survey was conducted to determine the practices in place for assessing patients for risk of falls. All DHS acute care facilities have a process in place to assess patients for risk of falls. DHS is standardizing the tool used for this assessment.
- A system wide survey was conducted to determine the preventative measures in place to reduce the risk of falls. It was determined that each DHS acute care facility utilizes preventative measures to reduce the risk of falls. DHS is standardizing these measures.
- A survey of the DHS hospitals was conducted to determine if there are expected actions to be taken after a patient falls. Each of the DHS hospitals reported that they have a protocol in place after a patient falls. DHS is standardizing these protocols including the ordering of a CT scan or MRI in those patients who fall and are on anti-coagulants.
- A survey of the DHS hospitals was conducted to determine physician notification and evaluation expectations after a patient falls. It was determined that all of the DHS hospitals expect the physician to be notified when a patient falls, and for the physician to conduct an evaluation of the patient.

County of Los Angeles  
Summary Corrective Action Plan

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3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have County-wide or other department implications.

|                                      |              |
|--------------------------------------|--------------|
| Name: (Risk Management Coordinator)  |              |
| Kim McKenzie                         |              |
| Signature: Kim McKenzie <i>(cet)</i> | Date: 1/6/12 |

|                                      |              |
|--------------------------------------|--------------|
| Name: (Department Head) <i>(cet)</i> |              |
| <i>Gregory Polk</i>                  |              |
| Signature: GREGORY POLK              | Date: 1/6/12 |

Chief Executive Office Risk Management

|                               |                |
|-------------------------------|----------------|
| Name: LEO COSTANZO            |                |
| Signature: <i>(Signature)</i> | Date: 1-4-2012 |